IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1386 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05-04-2004 in W.P.No.4384 of 2004 on the file of the High Court.)

Between:

1.Tamma Srinivasa Reddy, S/o. Siva Reddy,
R/o. Namburu, Pedakakani Mandalam, Guntur District.
2.Namburu Veera Raghavulu, S/o. Veeraiah,
R/o. Namburu, Pedakakani Mandalam, Guntur District.

..... APPELLANTS

AND

1.The Election Officer for Mandal Parishad President Elections (Asst. Director of Horticulture, S.C. Corporation), Guntur.
2. Pedakakani Mandal Parishad, represented by Mandal Parishad Development Officer, Pedakakani Mandal, Guntur District.
3.Cherukuri Vasudeva Rao, S/o. Veeraiah,
Uppalapadu, Pedakakani Mandalam, Guntur District.
4.Moparthi Venkaiah, S/o. Sambasiva Rao,
Pedakakani, Pedakakani Mandalam, Guntur District.
5.Kareti Bhagyalakshmi, W/o. Sitharamaiah,
Pedakakani-2, Pedakakani Mandalam, Guntur District.
6.Shaik Ameerunnisa, W/o. Baji Shaheed,
Pedakakani, Pedakakani Mandalam, Guntur District.

.....RESPONDENTS.

Counsel for the Appellants: Mr. G.DHARMA RAO

Counsel for Respondent No.1 : Mr.DAMMALAPATI

SRINIVAS

Counsel for Respondent Nos.2 to 6: Mr.N.SREERAMA MURTHY

The Court made the following :

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

We have heard learned counsel for the appellants, who have questioned before us the order passed by the learned single Judge in writ petition.

Learned single Judge has not agreed with the submissions and came to the conclusion that there was no infirmity in the order passed by first respondent declining to accept the appellants' prayer to pass order disqualifying respondents 3 to 6 in having disobeyed the whip. We agree with the reasoning of the learned single Judge that there was no service of whip in Annexure-II and furnishing of the copy of it to the Presiding Officer one hour before commencement of the meeting, and notice was not accompanied by Form B nominating first appellant to be elected as President on behalf of the Congress Party.

The finding recorded by the learned single Judge that notice was never served upon respondents 3 to 6 before 11.00 a.m., in the absence of any denial to their plea that notice was served at 11.15 a.m., cannot be interfered with in this appeal.

Writ Appeal is dismissed.

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(DEVINDER GUPTA, C.J.)

15th September 2004.

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(C.V.RAMULU, J.)

ARS

To

1.The Election Officer for Mandal Parishad President Elections (Asst. Director of Horticulture, S.C. Corporation), Guntur.
2. Mandal Parishad Development Officer, Pedakakani Mandal Parishad, Pedakakani Mandal, Guntur District.

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